REMARKS/ARGUMENTS

In the specification, the paragraphs [0059], [0061], and [0064] have been amended to correct minor editorial problems.

Applicant responds to each point raised by the Examiner in the March 7, 2006 Office action as follows:

Claim Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-10 and 14 under 35 U.S.C. § 102(b) as being anticipated by Burkinshaw et al. (U.S. Pat. No. 6,013,081), claims 1, 3, 4-8, 12-14 under 35 U.S.C. § 102(b) as being anticipated by Duffner (U.S. Pat. No. 6,796,986), and claims 1, 4, 5, and 11 under 35 U.S.C. § 102(b) as being anticipated by Gustilo et al. (U.S. Pat. No. 5,925,049). Applicant respectfully traverses the claim rejections.

Claim 1, from which claims 2-14 depend, recites in relevant part "comprising at least one cutting jig which is adapted to be coupled to a base element... wherein at the cutting jig the orientation of the second cutting plane is adjustable relative to the first cutting plane when the cutting jig is coupled to the base element."

Burkinshaw et al. discloses two separate cutting guides (16, 18), where: (1) the femoral cut guide (16) is first attached to the femur "to permit a surgical surgical cutting instrument 144 to be inserted through guide slot 96 to thus provide an anterior reference surface" (see col. 5, lines 54-58); (2) then, temporary pins "temporarily retain the distal cut guide 18 engaged with femoral cut guide 16" (see col. 6, lines 2-5); (3) then, "pins 140 along with femoral cut guide (16) are removed" (see col. 6, lines 42-43); (4) then, "the saw blade 142 of the surgical cutting instrument 144 may be inserted through a distal cut guide slot 160 provided in distal cut guide 18, for making the distal femoral cut" (see col. 6, lines 46-49). Specifically, Burkinshaw et al. describes two cutting jigs that are not adjustable when they are coupled because the temporary pins prevent any freedom of movement. (FIG. 10) Further, the cutting guides (16, 18) are used

independent of each other, i.e., one at a time. Therefore, adjustment of the orientation of the second cutting plane with respect to the orientation of the first cutting plane when the cutting jig is coupled to the base element is not possible. Thus, Burkinshaw et al. does not teach or suggest an apparatus for the fixing of the position of bone cuts for the insertion of knee implants, wherein at the cutting jig the orientation of the second cutting plane is adjustable relative to the first cutting plane when the cutting jig is coupled to the base element.

Duffner discloses a goniometer (100) attachable to a bone and having two arms (120, 140) with a cutting guide (200) being mountable on each arm. (See col. 3, lines 31-54.) With the goniometer (100) acting as a "base," Duffner describes the orientation of the two cutting guides as only being adjustable by changing the angle between the two arms (120, 140) on the goniometer (100) (See FIG. 7). In other words, Duffner teaches that the orientation of the two cutting guides are adjustable at the base. However, Duffner does not disclose a cutting jig which defines two cutting planes and wherein at the cutting jig the orientation of the second cutting plane is adjustable relative to the first cutting plane when the cutting jig is coupled to the base element.

Gustilo et al. discloses an instrument (100) having "a posterior body portion 102 and an anterior body portion 104." (See col. 7, lines 15-18.) The posterior body portion (102) has a "plurality of cutting guides" (112, 114, 116, 118). (See col. 7, lines 20-24.) The anterior body portion (104) has a "plurality of anterior cutting guides 212." (See col. 9, lines 4-7.) Gustilo et al. further discloses another embodiment of the instrument 300 comprised of a "posterior body portion 302" (see col. 11, lines 17-21) with four anterior cutting guides (see FIG. 24), a first anterior body portion (320) with a single anterior cutting guide (326) (see col. 11, lines 46-48), and a second anterior body portion (350) with "a posterior chamfer cutting guide 354 and anterior chamfer cutting guide 356" (see col. 11, lines 55-57). Gustilo et al. does not disclose a base element to which a jig may be coupled. Further, the device in Gustilo et al. is pinned to the femur "with the posterior body portion 102 and the anterior body portion 104 secured to each other" (see col. 12, lines 57-59). In other words, the device taught by Gustilo et al. is not adjustable while it is attached to the bone. Therefore, the device in Gustilo et al. does not

disclose a device wherein at the cutting jig the orientation of the second cutting plane is adjustable relative to the first cutting plane when the cutting jig is coupled to the base element.

Accordingly, Applicant respectfully requests that the rejections of claim 1 under 35 U.S.C. § 102(b) be reconsidered and withdrawn, and the claim allowed. Furthermore, because claims 2-14 depend from claim 1 and incorporate the same limitations as claim 1, Applicant requests that these claims also be reconsidered and allowed for at least the same reasons.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application, including claims 1-19, is in condition for allowance and, accordingly, a timely indication thereof is respectfully requested.

Respectfully submitted,
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